

FILEDNOV 29 2022
Mark C. McCartt, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

for the

Northern District of Oklahoma

In the Matter of the Search of
*A residence located at 1724 South Olympia Avenue,
Tulsa, Oklahoma*

) Case No. 22-mj-777-CDL
) FILED UNDER SEAL
)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment "A"

located in the Northern District of Oklahoma, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 922(x)(2)(A) and 5031 et seq.	Unlawful Possession of a Firearm by a Juvenile

The application is based on these facts:

See Affidavit of Hunter Kennedy, attached hereto.

- Continued on the attached sheet.
- Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*Hunter Kennedy**Applicant's signature**Detective Hunter Kennedy, BIA, SLEC, TPD**Printed name and title**Christine D. Little**Judge's signature**Christine D. Little, U.S. Magistrate Judge**Printed name and title*

Sworn to before me by phone.

Date: November 29, 2022

City and state: Tulsa, Oklahoma

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**In the Matter of the Search of:
A residence located at 1724 South
Olympia Avenue, Tulsa, Oklahoma**

Case No. _____

FILED UNDER SEAL

**Affidavit in Support of an Application
Under Rule 41 for a Warrant to Search and Seize**

I, Hunter Kennedy, being duly sworn under oath, do hereby depose and state:

Introduction and Agent Background

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search a residence located at 1724 South Olympia Avenue, Tulsa, Oklahoma, as further described in Attachment A, for the things described in Attachment B.

2. I am a federal law enforcement officer as defined under Rule 41(a)(2)(C) and am authorized to request this search warrant because I am a government agent who is engaged in enforcing federal criminal laws. I am within the category of officers authorized by the Attorney General to request such a warrant. I am a police officer for the City of Tulsa, Tulsa Police Department, and have been so employed for approximately 5 years. I am currently assigned to Special Investigations Division as an investigator in the Crime Gun Unit. I was previously assigned to the Mingo Valley Division, as a Street Crimes Investigator. I am cross-deputized with Muscogee

Creek Nation Lighthorse and the Cherokee Nation Marshal's service. I also have a Special Law Enforcement Commission with the Bureau of Indian Affairs. Prior to becoming a police officer, I graduated from Oklahoma State University in 2016 with bachelor's degree in Finance with a minor in accounting. I have been trained in the recognition of firearms and controlled and dangerous substances by the Tulsa Police Academy. I have had additional formal training post graduating from the Tulsa Police Academy. I have attended the Basic Investigations course, the VICE Investigations course, an AONE training course, and The Street-Smart Cop/Pro-Active Patrol Tactics course. During previously mentioned courses, I learned how to conduct investigations for various types of crimes. In 2022, I received training on privately made firearms, homemade silencers, and conversion switches. I have been certified to use the drug test kits used by the Tulsa Police Department. I also received additional informal training from more experienced narcotics and gang investigators and have participated in investigations and arrests involving controlled dangerous substances and firearms, which have culminated in the issuance of search warrants, and additional arrests. I have interviewed defendants involved in the use of, manufacture of, transportation of, and illegal sale of controlled dangerous substances. I have interviewed defendants involved with illegal firearms possession, and with defendants involved with shootings.

3. As part of my duties as a law enforcement officer with a Special Law Enforcement Commission, I investigate criminal violations relating to crime in Indian County including 18 U.S.C. §§ 922(x)(2)(A) and 5031 et seq. – Unlawful Possession of a Firearm by a Juvenile.

4. I am familiar with the facts and circumstances of this investigation. The facts provided in this affidavit are based in part on information provided by other law enforcement officers, on my personal observations and investigation, and my law enforcement training and experience. This affidavit is intended to show that there is sufficient probable cause for the requested search warrant and does not set forth all of my knowledge about this matter.

5. Based on my training, experience, and the facts set forth in this affidavit, there is probable cause to believe that evidence of violations of 18 U.S.C. §§ 922(x)(2)(A) and 5031 et seq. – Unlawful Possession of a Firearm by a Juvenile will be located at the residence located at 1724 South Olympia Avenue as further described in Attachment A.

Jurisdiction

6. “[A] warrant may be issued to search for and seize any property that constitutes evidence of a criminal offense in violation of the laws of the United States.” 18 U.S.C. § 3103a.

7. The requested search is related to the following violation of federal law:

a. 18 U.S.C. §§ 922(x)(2)(A) and 5031 et seq. – Unlawful Possession of a Firearm by a Juvenile;

8. Deshawn Lewis H., a juvenile male born January 18, 2006, is suspected of shooting A.S. at his apartment in Tulsa, Oklahoma, which is located within the Muscogee (Creek) Nation's reservation. Deshawn Lewis H. is a member of the Muscogee (Creek) Nation. According to the Muscogee (Creek) Nation's records, he has been a member since August 26, 2014, and he possesses some degree of Indian Blood.

9. According to publicly available ArcGIS map, 1724 South Olympia Avenue, Tulsa, Oklahoma, is located within the Muscogee (Creek) Nation's reservation and therefore Indian Country pursuant to 18 U.S.C. § 1151.

10. Venue is proper because the person and property described in this affidavit is located within the Northern District of Oklahoma. Fed. R. Crim. P. 41(b)(1).

Probable Cause

11. On November 6, 2022, I responded to 2124 South Nogales Avenue, Apartment 15A, Tulsa, Oklahoma, in response to a report that someone had been shot.

12. When I arrived at Apartment 15A, I observed an apparent bullet hole in the apartment's front door. I was told that patrol officers had recovered a spent 9mm casing at the crime scene that was located on the front porch. I learned that A.S. had been in the apartment and had been shot with a firearm.

13. While at the scene, I spoke to witness C. M.. C.M. stated that she was sitting in her car when she heard gunshots. She then saw two males, who she believed to be juveniles, running from the area near A. S.'s apartment.

14. I also spoke to A. S.'s roommate, M. E.. M. E. told me that he was at home with A.S. when A.S. asked him to go upstairs because he was expecting someone, and he did not want them to know that M. E. was home. M. E. said that while he was upstairs, he heard fighting coming from the front room and he could see multiple shadows in the room. M. E. denied hearing any gunshots but found A.S. bleeding in the apartment's doorway after all others had left.

15. After interviewing M. E. and C.M., I located surveillance video from the apartment complex. From the video, I saw two slender-built suspects, wearing dark clothing, walking through the apartment complex.

16. At approximately 11:45 PM, the video appears to show one of the suspects walking around the back of A.S.'s apartment. As he passes A.S.'s apartment, he appears to look at it from the outside. Approximately two minutes later, the second suspect appears in the camera's view and is coming from the direction of the front side of A.S.'s apartment. The second subject then stops and returns toward A.S.'s apartment.

17. The 911 call that reported the shooting was received at 11:54 PM on November 5, 2022.

18. I have also viewed text messages from A.S.'s cell phone. On November 5, 2022 at 10:50 pm, A.S. began receiving text messages from the email address shawnfrm23rd@gmail.com. The messages show that the person using shawnfrm23rd@gmail.com was attempting to buy marijuana from A.S. In the messages, A.S. accused the person using the shawnfrm23rd@gmail.com email address of planning to rob him.

19. I also reviewed a text message on A.S.'s phone from shawnfrm23rd@gmail.com that appears to have been sent around 11:30 PM, on November 5, 2022, where shawnfrm23rd@gmail.com tells A.S. that he would head to A.S.'s location in five minutes. A.S.'s last message to shawnfrm23rd@gmail.com was sent at 11:47 PM on November 5, 2022, and accused shawnfrm23rd@gmail.com of lying about arriving at A.S.'s apartment.

20. On November 8, 2022, I interviewed A.S.. A.S. stated that he didn't remember the moment he was shot but he believed the person messaging him from the shawnfrm23rd@gmail.com account was the shooter. A.S. stated that the person that uses the shawnfrm23rd@gmail.com address is a dark-completed, black male, who is around 16-17 years old, who lives in the neighborhood near A.S.'s apartment, and who goes by "Shawn."

21. As part of my investigation, I discovered Snapchat and Instagram accounts using the name "shawnfrm23rd." The "shawnfrm23rd" Instagram account displayed

videos containing a young, dark-complected black male. In one of the videos on the shawnfrm23rd Instagram account, which was posted on August 25, 2022, that same young, dark-complected black male could be seen holding what appears to be a black, semi-automatic Springfield XD pistol. In another video on shawnfrm23rd's Instagram account, it appears the same person is holding a black semi-automatic pistol and standing in front of a house with a tan garage that has a gray Dodge Durango parked in its driveway.

22. My investigation also included a search of the social media platform Tiktok. On Tiktok, I found an account with the username shawnfrm23rd, and a vanity name for the account was listed as DeshawnHxxx8579.

23. Based on the information I had collected from my investigation, I searched a law enforcement database for a black male named Deshawn H. A black male named Deshawn Lewis H., born January 18, 2006, lived at 1724 South Olympia Avenue. I collected Deshawn Lewis H.'s Oklahoma ID number and photo.

24. From the photo on Deshawn Lewis H.'s ID and the images I saw on the Instagram account labeled shawnfrm23rd, I believe that the images depicted on the account are Deshawn Lewis H. Due to Deshawn Lewis H.'s age, I know that he is not permitted to possess firearms or ammunition.

25. On November 14, 2022, I presented A.S. with the Instagram and Snapchat accounts named “shawnfrm23rd” and he confirmed that the accounts belonged to the person he knew as “Shawn.”

26. On November 17, 2022, A.S. told me that he was afraid that “Shawn” was going to rob him the night he was shot.

27. On November 18, 2022, I surveilled 1724 South Olympia Avenue. While there, I noticed the address is located only a few blocks away from A.S.’s address and that its garage door was the same color as the garage door in shawnfrm23rd’s Instagram videos. The address also appeared to have the same Dodge Durango parked in its driveway that was present in shawnfrm23rd’s Instagram video. Therefore, I believe that Deshawn Lewis H. possessed a firearm while present in the driveway of 1724 South Olympia Avenue, Tulsa, Oklahoma.

28. While surveilling the address, I noticed what appeared to be a black male matching the physical description of Deshawn Lewis H. leaving the residence.

29. Based on A.S.’s statements to me about “Shawn’s” identity, Deshawn Lewis H.’s address, his Oklahoma ID card, and photo, and the videos and information found on his social media accounts, I believe that Deshawn Lewis H. is the person who uses the shawnfrm23rd@gmail.com account, the shawnfrm23rd Instagram, Tiktok, and Snapchat accounts, and that he was involved with A.S.’s shooting on November 5, 2022.

30. From my experience of working gun crime investigations as a member of the Tulsa Police Department's Crime Gun Unit, as well as my prior experience as a member of the Tulsa Police Department's Street Crimes Unit, I know that individuals involved in criminal activity will commonly possess/store more than one firearm in their residence or the residences of family members, girlfriends, criminal associates, friends, and the vehicles they are associated with. I know that these individuals may also commit crimes using firearms that belong to other family members, romantic partners, friends, or even firearms that have been stolen from other people. Additionally, I know that individuals that engage in criminal activity may use multiple firearms to commit crimes.

31. From my training and experience, I know that firearms and ammunition may be stored in safes, lock boxes, or vehicles readily accessible to the individual.

Conclusion

32. Based on the information set forth in this affidavit, I submit there is probable cause for a warrant to search 1724 South Olympia Avenue, Tulsa, Oklahoma, as further described in Attachment A, and seize the items described in Attachment B.

33. I request to be allowed to share this affidavit and the information obtained from this search with any government agency, including state and local agencies investigating or aiding in the investigation of this case or related matters and to disclose those materials as necessary to comply with discovery and disclosure

obligations in any prosecutions from this matter; provided, due to the age of the suspect and the confidentiality of juvenile matters, I understand that this affidavit shall not be disclosed to the public and shall be properly redacted if disclosed outside of law enforcement.

Respectfully Submitted,

Hunter Kennedy

HUNTER KENNEDY, DETECTIVE TPD
BIA, SLEC

Subscribed and sworn to by phone on the 29th of November, 2022.

Christine D. Little

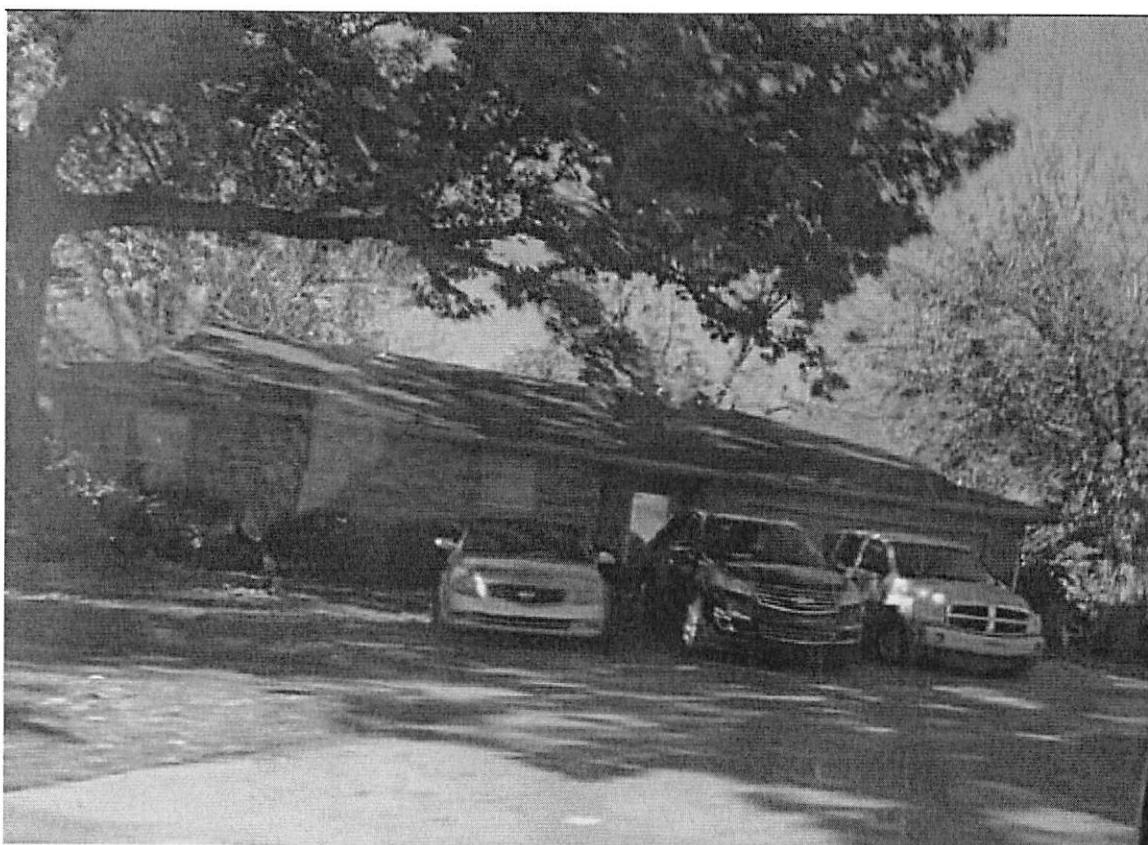
CHRISTINE D. LITTLE
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to be Searched

The property to be searched is 1724 South Olympia Avenue, Tulsa, Oklahoma, 74107. It is an east-facing, single-family dwelling with a brick exterior and a tan garage. The numbers "1724" are affixed to the residence.

The premises to be searched is described above and pictured below:



ATTACHMENT B

Particular Things to be Seized

All items that constitute evidence, instrumentalities, and contraband of violations of 18 U.S.C. §§ 922(x)(2)(A) and 5031 et seq. – Unlawful Possession of a Firearm by a Juvenile, including:

- a. Firearms;
- b. Ammunition;
- c. Firearm holsters;
- d. Firearm accessories;
- e. Firearm parts;
- f. Firearm boxes/cases;
- g. Gun safes/lock boxes;
- h. Any items indicating ownership of the aforementioned items;
- i. Any items that indicate proof of residence in the home;
- j. Any cell phones in Deshawn Lewis H.'s possession or reasonably believed to belong to him (any cell phone seized pursuant to this warrant will not be searched until a separate search warrant authorizing its search is obtained);
- k. Clothing associated with the suspects.